

§ 371.9

(b) A broker shall not, directly or indirectly, represent its operations to be that of a carrier. Any advertising shall show the broker status of the operation.

[45 FR 68942, Oct. 17, 1980. Redesignated at 61 FR 54707, Oct. 21, 1996, as amended at 62 FR 15421, Apr. 1, 1997]

§ 371.9 Rebating and compensation.

(a) A broker shall not charge or receive compensation from a motor carrier for brokerage service where:

(1) The broker owns or has a material beneficial interest in the shipment or

(2) The broker is able to exercise control over the shipment because the broker owns the shipper, the shipper owns the broker, or there is common ownership of the two.

(b) A broker shall not give or offer to give anything of value to any shipper, consignor or consignee (or their officers or employees) except inexpensive advertising items given for promotional purposes.

§ 371.10 Duties and obligations of brokers.

Where the broker acts on behalf of a person bound by law or the FMCSA regulation as to the transmittal of bills or payments, the broker must also abide by the law or regulations which apply to that person.

[45 FR 68943, Oct. 17, 1980, as amended at 62 FR 15421, Apr. 1, 1997]

§ 371.13 Accounting.

Each broker who engages in any other business shall maintain accounts so that the revenues and expenses relating to the brokerage portion of its business are segregated from its other activities. Expenses that are common shall be allocated on an equitable basis; however, the broker must be prepared to explain the basis for the allocation.

[45 FR 68943, Oct. 17, 1980]

49 CFR Ch. III (10–1–02 Edition)

PART 372—EXEMPTIONS, COMMERCIAL ZONES, AND TERMINAL AREAS

Subpart A—Exemptions

Sec.

372.101 Casual, occasional, or reciprocal transportation of passengers for compensation when such transportation is sold or arranged by anyone for compensation.

372.103 Motor vehicles employed solely in transporting school children and teachers to or from school.

372.107 Definitions.

372.109 Computation of tonnage allowable in nonfarm-non-member transportation.

372.111 Nonmember transportation limitation and record keeping.

372.113 [Reserved]

372.115 Commodities that are not exempt under 49 U.S.C. 13506(a)(6).

372.117 Motor transportation of passengers incidental to transportation by aircraft.

Subpart B—Commercial Zones

372.201 Albany, NY.

372.203 Beaumont, TX.

372.205 Charleston, SC.

372.207 Charleston, WV.

372.209 Lake Charles, LA.

372.211 Pittsburgh, PA.

372.213 Pueblo, CO.

372.215 Ravenswood, WV.

372.217 Seattle, WA.

372.219 Washington, DC.

372.221 Twin Cities.

372.223 Consolidated governments.

372.225 Lexington-Fayette Urban County, KY.

372.227 Syracuse, NY.

372.229 Spokane, WA.

372.231 Tacoma, WA.

372.233 Chicago, IL.

372.235 New York, NY.

372.237 Cameron, Hidalgo, Starr, and Willacy Counties, TX.

372.239 Definitions.

372.241 Commercial zones determined generally, with exceptions.

372.243 Controlling distances and population data.

Subpart C—Terminal Areas

372.300 Distances and population data.

372.301 Terminal areas of motor carriers and freight forwarders at municipalities served.

372.303 Terminal areas of motor carriers and household goods freight forwarders at unincorporated communities served.

AUTHORITY: 49 U.S.C. 13504 and 13506; and 49 CFR 1.73.

EDITORIAL NOTE: Nomenclature changes to part 372 appear at 66 FR 49870, Oct. 1, 2001.

Subpart A—Exemptions

SOURCE: 32 FR 20036, Dec. 20, 1967, unless otherwise noted. Redesignated at 61 FR 54708, Oct. 21, 1996.

§ 372.101 **Casual, occasional, or reciprocal transportation of passengers for compensation when such transportation is sold or arranged by anyone for compensation.**

The partial exemption from regulation under the provisions of 49 U.S.C. subtitle IV, part B of the casual, occasional, and reciprocal transportation of passengers by motor vehicle in interstate or foreign commerce for compensation as provided in 49 U.S.C. 13506(b) be, and it is hereby, removed to the extent necessary to make applicable all provisions of 49 U.S.C. subtitle IV, part B to such transportation when sold or offered for sale, or provided or procured or furnished or arranged for, by any person who sells, offers for sale, provides, furnishes, contracts, or arranges for such transportation for compensation or as a regular occupation or business.

[32 FR 20036, Dec. 20, 1967. Redesignated at 61 FR 54708, Oct. 21, 1996, as amended at 62 FR 15421, Apr. 1, 1997]

§ 372.103 **Motor vehicles employed solely in transporting school children and teachers to or from school.**

The exemption set forth in 49 U.S.C. 13506(a)(1) shall not be construed as being inapplicable to motor vehicles being used at the time of operation in the transportation of schoolchildren and teachers to or from school, even though such motor vehicles are employed at other times in transportation beyond the scope of the exemption.

[36 FR 9022, May 18, 1971, as amended at 62 FR 15421, Apr. 1, 1997]

§ 372.107 **Definitions.**

As used in the regulations in this part, the following terms shall have the meaning shown:

(a) *Cooperative association*. The term “cooperative association” means an association which conforms to the fol-

lowing definition in the Agricultural Marketing Act, approved June 15, 1929, as amended (12 U.S.C. 1141j):

As used in this Act, the term *cooperative association* means any association in which farmers act together in processing, preparing for market, handling, and/or marketing the farm products of persons so engaged, and also means any association in which farmers act together in purchasing, testing, grading, processing, distributing, and/or furnishing farm supplies and/or farm business services. Provided, however, That such associations are operated for the mutual benefit of the members thereof as such producers or purchasers and conform to one or both of the following requirements:

First. That no member of the association is allowed more than one vote because of the amount of stock or membership capital he may own therein; and

Second. That the association does not pay dividends on stock or membership capital in excess of 8 per centum per annum.

And in any case to the following:

Third. That the association shall not deal in farm products, farm supplies and farm business services with or for nonmembers in an amount greater in value than the total amount of such business transacted by it with or for members. All business transacted by any cooperative association for or on behalf of the United States or any agency or instrumentality thereof shall be disregarded in determining the volume of member and nonmember business transacted by such association.

Associations which do not conform to such definition are not eligible to operate under the partial exemption of 49 U.S.C. 13506(a)(5).

(b) *Federation of cooperative associations*. The term “federation of cooperative associations” means a federation composed of either two or more cooperative associations, or one or more farmers, which federation possesses no greater powers or purposes than a cooperative association as defined in paragraph (a) of this section. Federations of cooperative associations which do not conform to such definition are not eligible to operate under the partial exemption of 49 U.S.C. 13506(a)(5).

(c) *Member*. The term “member” means any farmer or cooperative association which has consented to be, has been accepted as, and is a member in good standing in accordance with the constitution, bylaws, or rules of the cooperative association or federation of cooperative associations.